

111TH CONGRESS
2D SESSION

S. 3371

To amend title 10, United States Code, to improve access to mental health care counselors under the TRICARE program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2010

Mrs. McCASKILL (for herself, Mr. LIEBERMAN, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to improve access to mental health care counselors under the TRICARE program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “TRICARE Mental
5 Health Care Access Act”.

6 **SEC. 2. MENTAL HEALTH COUNSELORS UNDER THE**
7 **TRICARE PROGRAM.**

8 (a) REFERRAL UNDER TRICARE.—

(1) REFERRAL.—Paragraph (8) of section 1079(a) of title 10, United States Code, is amended—

(A) by inserting “or licensed or certified mental health counselors” after “certified marriage and family therapists” both places it appears; and

(B) by inserting “or licensed or certified mental health counselors” after “that the therapists”.

(2) AUTHORITY TO ASSESS MEDICAL OR PSYCHOLOGICAL NECESSITY OF SERVICE OR SUPPLY.—Paragraph (13) of such section is amended by inserting “licensed or certified mental health counselor,” after “certified marriage and family therapist,”.

(b) SERVICES OF MENTAL HEALTH COUNSELORS.—

(1) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 1091 note) is amended by inserting “mental health counselors,” after “psychologists,”.

(2) APPLICABILITY OF LICENSURE REQUIREMENTS FOR HEALTH CARE PROFESSIONALS.—Section 1094(e)(2) of title 10, United States Code, is

1 amended by inserting “mental health counselor,”
2 after “psychologist,”.

3 (c) REQUIREMENTS FOR MENTAL HEALTH COUN-
4 SELORS PRACTICING UNDER TRICARE.—For purposes
5 of practicing as a mental health counselor under the
6 TRICARE program pursuant to the amendments made by
7 subsections (a) and (b), an individual shall meet the fol-
8 lowing:

9 (1) The individual shall possess a masters de-
10 gree or higher level degree in counseling from a pro-
11 gram in mental health counseling or clinical mental
12 health counseling that is accredited by the Council
13 for Accreditation of Counseling and Related Edu-
14 cational Programs.

15 (2) The individual shall possess a State license
16 in mental health counseling at the “clinical” or high-
17 er level or at the highest level available in States
18 that have tiered licensing schemes.

19 (3) The individual shall have passed the Na-
20 tional Clinical Mental Health Counseling Examina-
21 tion.

22 (4) The individual shall have a well-defined
23 scope of practice (as determining utilizing a system-
24 atic assessment of the professional competencies nec-
25 essary to address the mental and behavioral needs of

1 the population of beneficiaries under the TRICARE
2 program).

3 (d) REPORTS ON IMPLEMENTATION.—

4 (1) INITIAL REPORT.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary of Defense shall submit to Congress a report
7 on the implementation of this section and the
8 amendments made by this section.

9 (2) UPDATED REPORT.—Not later than one
10 year after the date of the enactment of this Act, the
11 Secretary shall submit to Congress an update to the
12 report submitted under paragraph (1).

13 (e) TRICARE PROGRAM DEFINED.—In this section,
14 the term “TRICARE program” has the meaning given
15 that term in section 1072(7) of title 10, United States
16 Code.

○